

**U.S. BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Honorable Charles Novack

Tuesday, June 11, 2013

Current as of 6/10/2013 at 11:43 AM

San Jose Courtroom 3070

U.S. Courthouse and Federal Bldg.

**280 S 1st Street
San Jose, CA 95113**

2:00 PM **08-52709** Cedar Funding Inc
Ch 11
Trustee: Neilson

Moving:

Opposing:

Debtor or Plaintiff Attorney: Cecily A. Dumas

Matter: a) Order To Set Hearing (RE: related document(s)1849 Application to Compromise Controversy filed by Other Prof. Russell Burbank). (Attachments: # (1) Exhibit - Application to Compromise Controversy # (2) Exhibit - Application to Compromise Controversy)

b) Order To Set Hearing (A) Establishing Mechanics for Set-Off of Interest Payments Against Principal Investment and (B) Setting Hearing on Set-Off Objections and Supplemental Objections(RE: related document(s)1769 Motion to Sell Real Property 87 Chaparral Road, Carmel Valley, CA . (1887)

c) Order Continuing Hearing on Objections to Claims (1909)
Objection to Claim of Linda M. Parise (1820)
Objection to Claim of Roger and Michelle Pallastrine (1826)
Objection to Claim of Albert & Gail Huff (1828)
Objection to Claim of Allene A. Perry (1830)
Objection to Claim of Paul J. Franklin, III, (1832)

d) Hearing on Status Conference Re: Issuance of Final Decree (RE: related document(s)1994 Motion to Continue Status Conference re Issuance of Final Decree (RE: related document(s)(1496))Amended Chapter 11 Plan filed by Trustee R. Todd Neilson)

Atty for Russell Burbank - Robert Clark
(415) 762-1640

Comment (fr 4/9)

1

2:00 PM **08-05197** Post et al v. Neilson
† Ch 11
08-52709 Cedar Funding Inc

Moving:

Opposing:

Debtor or Plaintiff Attorney: Larry J. Lichtenegger

2

Matter: **Telephonic Case Management Conference**
Complaint to Declare Interests in Fractionalized Deed of Trust an Equitable Interest Not Subject to Preference
Claim Under Title 11, §547(b)

Pl - Stanley D. Post, et al.
Attorney for Pl - Larry Lichtenegger
(831) 626-2801

Def - R. Todd Neilson, Trustee for Debtor Cedar Funding, Inc.
Attorney for Def/Trustee - Robert Clark
(415) 762-1640

answer filed 6/29/12
***7026 disclosures by 7/24/12**
***discovery cutoff 10/10/12**

Comment (fr 10/14, 11/18, 3/3, 6/16, 11/19, 3/16, 6/15, 7/6, 11/16, 2/8, 4/26, 10/11, 4/3, 5/1, 6/5, 7/10, 11/6, 1/8)

2:00 PM **09-05260** Neilson v. Dwyer
† Ch 11
08-52709 Cedar Funding Inc

Moving:

Opposing:

Debtor or Plaintiff Attorney: Cecily A. Dumas

3

Matter: **Telephonic Case Management Conference**
Complaint to Avoid and Recover Preference, et al
Plaintiff R. Todd Neilson

Atty for Pl - Robert Clark
(415) 762-1640

Atty for Def - Larry Lichtenegger
(831) 655-3330

Def: William Dwyer

Comment (fr 10/16, 4/9)

2:00 PM 08-05147 Weingarten et al v. Cedar Funding Mortgage Fund LLC et al
† Ch 11
08-52709 Cedar Funding Inc

Moving:

Opposing:

Debtor or Plaintiff Attorney: Vincent C. Catania

4

Matter: Telephonic Case Management Conference
Complaint for Reformation of an
Assignment of Deed of Trust and for
Conversion and Fraud
Pl - Steven M. Weingarten, et al
Atty for Pl - Larry Lichtenegger
(831) 626-2801

Atty for Tr/Def - Robert Clark
(415) 762-1640

Def's: Cedar Funding Mortgage Fund, LLC
a California Limited Liability Company,
Cedar Funding, Inc., a California corporation
David A. Nilsen , Pro Se
Does 1-40, inclusive
(trail 08-5197)

answer filed 6/29/12

*7026 disclosures by 7/24/12

*discovery cutoff 10/10/12

Comment (fr 10/14, 11/18, 3/3, 5/12, 6/16, 11/19,3/16, 6/15, 7/6, 11/16, 2/8, 4/26, 6/10, 10/11, 3/6, 5/1,6/5, 7/10,
11/6, 1/8)

2:00 PM 08-05222 Neilson v. Aikin et al
† Ch 11
08-52709 Cedar Funding Inc

Moving:

Opposing:

Debtor or Plaintiff Attorney: Cecily A. Dumas

5

Matter: Telephonic Case Management Conference
Second Amended Complaint for (1)
Avoidance and Recovery of Preferential
Transfers Pursuant to 11 U.S.C. Sec 547(b), 550(a) and 551; and (2) Disallowance of Claims
Pending
Avoidance or Repayment of Transfers Pursuant to 11 U.S.C. Sec502(d)
Pl - R. Todd Neilson, Chapter 11 Trustee
Atty for Pl - Robert Clark

Atty for Def - Wesley Hammond

Def: Brockman Farming, Inc.
answer filed 9/9/08

Atty for Def - Larry Lichtenegger

Def's: Casino Concepts & Design
Blake Cesarin, Ivan B. Joffer, Roberta Rose,
Lawrence H. Stock, and Lana Ushokoff
answer filed 9/10/08
Jeff Aikin, et al answer fld 8/25/08
Marvin F. Spott,
Garden of Memories Memorial Park; answer fld 9/19
Pamela C. Pirtle answer fld 9/22/08

Atty for Def - Jeffrey Miller

multiple defendants

Comment (fr 11/18, 5/12,9/15,3/16,615,914,12/14,3/8,9/13, 3/6, 9/11, 10/16, 1/8)

2:00 PM **09-05225** Neilson et al v. Aguirre et al
† Ch 11
08-52709 Cedar Funding Inc

Moving:

Opposing:

Debtor or Plaintiff Attorney: Cecily A. Dumas

6

Matter: **Telephonic Case Management Conference**
Omnibus Complaint (1) to Avoid and
Recover Preferential and Postpetition
Transfers; (3) Declaratory Relief and
Quiet Title; and (3) for Disallowance
of Claims Pending Avoidance of
Transfers
Pl - R. Todd Neilson
Atty for Pl - Cecily Dumas

Atty for Def's: Larry Lichtenegger

Various def's

Atty for Def - Pro Se
Def's: David P. Beck & Marie G. Beck

answer filed 12/15/09

Atty for Def - Wesley Hammond

Def: Brockman Farming, Inc.
answer filed 1/12/10

Comment (fr 1/12, 3/16, 6/15, 7/6, 9/14, 12/14, 3/8, 3/11, 6/7, 9/13, 3/6, 9/11, 10/16)

2:00 PM **11-05241** Rafsanjani v. Malihi
† Ch 7
11-56253 Max Syed Malihi

Moving: Michel J. Rouhani

Opposing:

Debtor or Plaintiff Attorney: Michel J. Rouhani

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Matter: **Telephonic Case Management Conference**
First Amended Complaint to Determine Dischargeability of Debt Under 11 U.S.C. Sections
523(a)(2) and 523(a)(4); and 11 U.S.C. Section 727
Pl - Mahmood Kuchaki Rafsanjani
Atty for Pl - Michael Rouhani
(408) 275-1919

Atty for Def - David Henshaw
(408) 533-1075

Def:Max Syed Malihi, aka Mozafar Malihi
answer filed 9/27/11
answer filed 9/24/12

2:00 PM 12-05028 Llorens v. Gaines et al
† Ch 7
11-60535 Dodie Brooks Gaines

Moving:

Opposing:

Debtor or Plaintiff Attorney: Zachary Tyson

8

Matter: Telephonic Case Management Conference
Complaint to Determine Dischargeability of Debt
PI - Hilda Llorens
Atty for PI - Zachary Tyson
(650) 265-4045

Atty for Def - Kristina Parson
(408) 295-1700

Def: Dodie Brooks Gaines

answer filed 3/27/12

*initial disclosures 6/1/12

*non-expert discovery cutoff 10/1/12

*motion cutoff 10/9/12

*expert disclosures 11/15/12

*expert discov cutoff 2/1/13

Comment (fr 5/1, 10/9, 3/12)

2:00 PM 12-05091 Llorens v. Gaines
† Ch 7
11-60535 Dodie Brooks Gaines

Moving:

Opposing:

Debtor or Plaintiff Attorney: Zachary Tyson

9

Matter: Telephonic Case Management
Amended Complaint 41 (Objection / revocation of discharge - 727(c),(d),(e))
PI - Hilda Llorens
Atty for PI - Zachary Tyson
(650) 265-4045

Atty for Def - Kristina Parson
(408) 295-1700

Def: Dodie Brooks Gaines

summons executed on 5/9/12

answer filed 6/27/12

*discovery cutoff 2/23/13

expert discovery cutoff 2/28/13

experts disclosures 2/1/13

7026 disclosures 9/18/12

Comment (3/12)

2:00 PM 12-05147 Poonja v. CITIBANK N.A.
† Ch 7
12-50118 Mac-Go Corporation

Moving:

Opposing:

Debtor or Plaintiff Attorney: Dennis D. Davis

10

Matter: Telephonic Case Management Conference
(Continued per order of 12/5/13)
Complaint to Recover Fraudulent Transfers, Preferential
Transfers and Post-Petition Transfers
Pl - Mohamed Poonja
Atty for Pl - Dennis D. Davis
(415) 362-5045

Atty for Def - Adam Lewis
(415) 268-7000
Def - CITIBANK N.A.
answer filed 11/29/12
*summons executed on 7/20/12

2:00 PM 12-05205 Rivera-Deal v. Coli
† Ch 7
12-51556 Patricia Coli

Moving: Ryan C. Wood

Opposing:

Debtor or Plaintiff Attorney: Ryan C. Wood

11

Matter: Telephonic Case Management
Complaint to Determine Dischargeability of Debt and Object to Discharge
Pl - Ma Letty Rivera-Deal
Atty for Pl - Ryan Wood
(650) 366-4858

Atty for Def - Cheryl Rouse
(415) 575-9444
Def: Patricia Coli
and Does 1-100, inclusive
*order vacating order granting summary judgment/briefs due 5/31/13 and are on file**
Comment (fr 4/9)

2:00 PM 12-05161 City of Summerside v. Sussmeier

† Ch 7

12-53441

Richard John Sussmeier and Katrina Suzanne Sussmeier

Moving: Nicholas F. Daum

Opposing:

Debtor or Plaintiff Attorney: Nicholas F. Daum

12

Matter: Telephonic Case Management

Complaint 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud), 68 (Dischargeability - 523(a)(6), willful and malicious injury)

PI - City of Summerside

Atty for PI - Nicholas F. Daum

Def: Katrina Suzanne Sussmeier, aka

Katrina Berg Sussmeier, dba Starlink Productions, LLC,

Starlink Productions, Inc.

amended answer filed 1/9/13

****OFF CALENDAR PER HEARING ON 5/31/13****

Comment (fr 11/6, 12/4,4/9)

2:00 PM 12-05202 Legal Solutions Corporation v. Elyassnia

† Ch 7

12-55419

Amalek Elyassnia

Moving:

Opposing:

Debtor or Plaintiff Attorney: Robin John Youngs

13

Matter: Telephonic Case Management

Complaint 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud), 67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny), 68 (Dischargeability -

523(a)(6), willful

and malicious injury) (2)

PI - Legal Solutions Corporation

Atty for PI - Robin John Youngs

(530) 622-7342

Atty for Def - Joseph Angelo

(408) 279-2288 ext 304

Def - Amalek Elyassnia

answer filed 11/19/12

*request for default **not signed**

summons executed on 10/16/12

****CONTINUED 7/26/13 AT 2:00 P.M. TO TRAIL THE MOTION TO COMPEL****

2:00 PM 12-05203 Mendez et al v. Elyassnia

† Ch 7

12-55419

Amalek Elyassnia

Moving: Terence J. Cassidy

Opposing:

Debtor or Plaintiff Attorney: Terence J. Cassidy

14

Matter: Telephonic Case Management

Complaint 41 (Objection / revocation of discharge - 727(c),(d),(e)), 62 (Dischargeability - 523(a)(2), 523(a)(4), 523(a)(6)

PI - Richard & Eileen Mendez

Atty for PI - Terence J. Cassidy
(916) 929-1481

Atty for Def - Joe Angelo

(408) 279-2288

Def - Amalek Elyassnia

***answer filed 6/3/13**

*** *Clerk's Entry of Default 12/5/12, vacated per order of 5/2/13****

****CONTINUED BY THE COURT TO 7/26/13 AT 2:00 P.M. TO TRAIL THE MOTION FOR
DEFAULT JUDGMENT****

Comment (fr 2/22, 4/26)

2:00 PM 13-05030 Alcala et al v. Porras

† Ch 13

12-58699

Carlos Eduardo Porras

Moving: David M. Hollingsworth

Opposing:

Debtor or Plaintiff Attorney: David M. Hollingsworth

15

Matter: Telephonic Case Management

Complaint for Intentional Misrepresentation; False Promise, Negligent Misrepresentation, Fraud, False Representations and False Pretenses, for Willful and Malicious Injury to Property of Plaintiff

PI - Jose S. Alcala, dba Brisas Video & Soccer Shop, and Maria Alcala

Atty for PI - David M. Hollingsworth

(831)375-3135

Def: Carlos Eduardo Porras dba Canapo Art Gallery

(831) 626-1864

answer filed 4/3/13

2:00 PM 13-05035 Pham v. Ho et al

† Ch 7

12-58833

Khanh C. Pham and XuanLoan Ho

Moving: Susana Hamilton

Opposing:

Debtor or Plaintiff Attorney: Susana Hamilton

16

Matter: Telephonic Case Management
Complaint to Except Debt From Discharge Pursuant to 11 U.S.C. Section 523
PI - Hai Duong Plam

Atty for PI - Susana Hamilton
(408) 947-7717

Atty for Def's - David Trapp
(408) 298-2566

Def's: Xuan Loan Ho,
Khanh C. Pham
answer filed 4/11/13

2:00 PM 13-05036 Jatoft-Foti Insurance Agency Inc. et al v. Ramirez

† Ch 7

12-58855

Ronnie E. Ramirez

Moving: Tyson Arbuthnot

Opposing:

Debtor or Plaintiff Attorney: Tyson Arbuthnot

17

Matter: Telephonic Case Management Conference
Complaint Objecting to Discharge and/or to Determine Dischargeability
of Certain Debts
PI - Jatoft-Foti Insurance Agency, Inc., John Jatoft and Don Foti

Atty for PI - Tyson Arbuthnot
(415) 956-2828

Def: Ronnie Ramirez
Amended Request for Default filed 6/6/13, pending

2:00 PM 13-05028 JP Morgan Chase Bank, National Association v. Gozzi
† Ch 7
13-50058 Daniele Gozzi

Moving:

Opposing:

Debtor or Plaintiff Attorney: ProSe / None

18

Matter: Telephonic Case Management Conference
Notice of Removal (Complaint for Unlawful Detainer)
PI - JPMorgan Chase Bank
Atty for PI - Randall Naiman
(858) 535-4808

Atty for Def - Linda Voss
(888) 999-4313

Def: Daniel Gozzi

2:05 PM 13-05038

Cope et al v. Camarillo et al

† Ch 7

11-55242

Brian Robert Cope and Hilary Frances Cope

Moving: Gavin E. Kogan

Opposing:

Debtor or Plaintiff Attorney: Gavin E. Kogan

19

Matter: Telephonic Case Management
Complaint for Preliminary Injunction, Declaratory Relief and Money Damages
Pl - Brian Robert Cope and Hilary Frances Cope

Atty for Pl - Gavin Kogan
(831) 375-3151

Atty for Def - Anne Secker
(831) 424-1414

Def: Victor Camarillo
answer filed 4/19/13

Atty for Def - Shannon Clawson
(415) 543-8700

Def: Bank of America

Atty for Def - Richard Reynolds
(949) 863-3363

Def: MTC Financial Inc.
answer filed 4/22/13

Def: Audrey Beutler
answer filed 4/26/13

Def's: Carmen Camarillo,
Victor Camarillo,
Audrey Beutler,
MTC Financial, Inc., dba Trustee Corps.,
Pacific Coast Title Company, **Notice of Dismissal fld 5/16/13**
County of Monterey,
Bank of America
summons executed on 3/22/13

****CONTINUED TO 6/14/13 AT 2:00 P.M. TO TRAIL PENDING MOTION****

2:05 PM 12-05059 Landis, v. McVay
† Ch 7
11-57410 Nancy Ann McVay

Moving:

Opposing:

Debtor or Plaintiff Attorney: Nanette Dumas

20

Matter: Telephonic Case Management
(Consolidated with Adv No 12-5078)
Amended Complaint for Denial of Discharge Pursuant to 11 U.S.C. Section 727
PI - August B. Landis
Atty for PI - Emily Keller
(408) 535-5535

Atty for Def - David Henshaw
(408) 533-1075

Def: Nancy Ann McVay
answer filed 5/31/12
answer to amended complaint filed 7/20/12

****CONTINUED TO 7/9/13 AT 2:00 P.M. PER ORDER OF 5/16/13****

Comment (fr 5/7)

2:05 PM 13-05001 Doherty v. McWilliams
† Ch 11
12-50769 Kevin McWilliams

Moving: Anne K. Secker

Opposing:

Debtor or Plaintiff Attorney: Anne K. Secker

21

Matter: Telephonic Case Management
Complaint to Determine Non-Dischargeability 523(a)(2)
PI - Carrie Doherty, aka Carrie McWilliams
Atty for PI - Anne Secker
(831) 424-1414

Def: Kevin McWilliams
summons executed on 4/11/13

****CONTINUED TO 7/9/13 AT 2:00 P.M. PER ALIAS SUMMONS****

2:05 PM 13-05005 McClaflin v. Peterson et al

† Ch 7

12-57554

Robert M. Peterson and Cindy K. Peterson

Moving: Dominique Sopko

Opposing:

Debtor or Plaintiff Attorney: Dominique Sopko

22

Matter: Telephonic Case Management

Amended Complaint 41 (Objection / revocation of discharge - 727(c),(d),(e)), 62 (Dischargeability - 523(a)(2))

Pl - Douglas McClaflin

**Atty for Pl - Kathryn Diemer
(408) 971-6270**

**Atty for Def - Susan Silveira
408-265-3482**

**Def: Robert M. Peterson
Cindy K. Peterson**

****CONTINUED BY THE COURT TO 6/14/13 AT 2:00 P.M. TO TRAIL THE MOTION TO DISMISS****

Comment (fr 4/9)

2:05 PM 13-05029 Gillon et al v. Saini et al

† Ch 7

12-57801

Bhisham Kumar Saini and Neena Saini

Moving: Breck E. Milde

Opposing:

Debtor or Plaintiff Attorney: Breck E. Milde

23

Matter: Telephonic Case Management

Complaint for Determination of Nondischargeability of Debt Pursuant to 11 U.S.C. Section 523(a)(2)(A), 523(a)(4), 523 (a)(6), and or 727 (a)

Pl - Parminder Singh Gillon and Bhupinder Gillon

**Atty for Pl - Brecke Milde
(408) 299-1200**

**Def's: Bhisham Kumar Saini,
Neena Saini
answer filed 4/9/13**

***Demand for Jury Trial**

****CONTINUED BY THE COURT TO 6/14/13 AT 2:00 P.M. TO TRAIL THE MOTION TO STRIKE****
